

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GARY MONTGOMERY,

Plaintiff,

v.

WELLPATH MEDICAL et al.,

Defendants.

Case No. 3:19-cv-00675

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

ORDER

This civil rights action brought under 42 U.S.C. § 1983 arises from pro se and *in forma pauperis* Plaintiff Gary Montgomery's pretrial detention in the custody of the Davidson County Sheriff's Office (DCSO) in Nashville, Tennessee. (Doc. No. 78.) On November 19, 2021, Montgomery filed an amended complaint asserting claims against Defendants Wellpath Medical, LLC; the Metropolitan Government of Nashville and Davidson County; Lieutenant Thomas Conrad; Correctional Officer Shannon Bell; Nurse Taylor Wall; Nurse Amber Dame; Nurse Dayna West; Nurse Mark Bailey; Dentist Krystal Lewis; and Dental Technician Jenny Jaynes. (*Id.*) Hudson returned service packets for Bailey, Bell, Dame, Jaynes, Lewis, Wall, and West and summonses were issued for those defendants to be served by the U.S. Marshals Service. (Doc. Nos. 88, 90, 92.) On January 19, 2022, the Marshal returned the summons for Bell unexecuted with a notation stating that Bell no longer works at DCSO. (Doc. No. 97.)

Federal Rule of Civil Procedure 4(c)(3) allows the Court to direct that service be effected by a U.S. Marshal or other person specifically appointed by the Court for that purpose. Fed. R. Civ. P. 4(c)(3). Although the Court is not required to seek out a defendant's address so that process can be served, the Sixth Circuit has recognized that district courts may undertake measures to

discover the identity and address of an unserved defendant. *Fitts v. Sicker*, 232 F. App'x 436, 443–44 (6th Cir. 2007). Such measures may include ordering that governmental entities and non-parties provide addresses to the U.S. Marshal so that service can be achieved. *Id.* at 443. This Court and others have relied on *Fitts* to order that service addresses be produced. *See Baldwin v. Croft*, No. 3:12 CV 1867, 2013 WL 172870, at *1–2 (N.D. Ohio Jan. 16, 2013); *cf. Ely v. Smith*, No. 1:07-cv-261, 2008 WL 2076651, at *2 (E.D. Tenn. May 15, 2008) (citing *Sellers v. United States*, 902 F.2d 598 (7th Cir. 1990)).

Accordingly, Sheriff Daron Hall or an authorized representative of the DCSO is DIRECTED to file a notice under seal providing the last known address of Defendant Bell by February 3, 2022. The Clerk's office is DIRECTED to mail a copy of this Order to Sheriff Hall at the Davidson County Sheriff's Office, 1 Jerry Newsom Way, Nashville, Tennessee, 37206.

It is so ORDERED.


ALISTAIRE NEWBERN
United States Magistrate Judge